

**INLAND WETLANDS AGENCY
MEETING MINUTES**

OCTOBER 18, 2004

PRESENT: Ken Braga, Kim Flannery, Sanford Cohen, Adam Barber, Jean Burns and Alternate Christine Murphy

ABSENT: James Maitland, Margo Wheeler, Alternate Donald McConnell

STAFF

PRESENT: Matt Davis, Town Planner, Kristin Michaud, Recording Secretary and Richard Kalva, ZEO

I. CALL TO ORDER:

Chairman Braga called the Inland Wetlands Agency (IWA) meeting to order at 7:30 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT. and read the Legal Notice into the record.

II. PUBLIC COMMENTS:

THE COMMISSION AGREED TO GO OUT OF AGENDA ORDER.

IV. UNFINISHED BUSINESS:

1. #IW200434 – Jason Kloter for a Permit to Conduct Regulated Activity within an Area of Influence for a shed on property located at 5 Hilltop Drive, APN 020-048-0000.

TIME: 7:30 PM

SEATED: K. Braga, K. Flannery, S. Cohen, J. Burns, C. Murphy, A. Barber

MOVED (BURNS), SECONDED (FLANNERY) AND PASSED UNANIMOUSLY TO FIND AS A NON-SIGNIFICANT ACTIVITY WITHIN THE UPLAND REVIEW AREA AND TO APPROVE #IW200434 – JASON KLOTER.

2. #IW200435 – David & Kim Flannery for a Permit to Conduct Regulated Activity within an Area of Influence to modify an existing Wetlands permit to include 4" roof drains on property located at 256 Sandy Beach Road, APN 129-036-0000.

TIME: 7:34 PM

SEATED: K. Braga, S. Cohen, J. Burns, C. Murphy, A. Barber (K. Flannery: Recused)

MOVED (COHEN), SECONDED (BURNS) AND PASSED UNANIMOUSLY TO FIND AS A NON-SIGNIFICANT ACTIVITY WITHIN THE UPLAND REVIEW AREA AND APPROVE #IW200435 – DAVID & KIM FLANNERY.

3. #IW200430 – Don Ciarleglio for a Permit to Conduct Activity within an Area of Influence for a single family home on property located at Crane Road, APN 060-001-0000. (Continued from the September 20, 2004 meeting)

TIME: 7:38 PM

SEATED: K. Braga, J. Burns, C. Murphy, A. Barber, K. Flannery (S. Cohen: Recused)

Eric Peterson, Gardner & Peterson, came forward for the applicant. He reviewed the revised plan with the commission.

Chairman Braga wondered if they were planning to do plantings in the wetlands.

John Ianni, Professional Soil Scientist, suggested that his client place 15 berry shrubs in groups of three at the edge of the pond. This change will be shown on a revised plan.

MOVED (FLANNERY), SECONDED (BURNS) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF NON-SIGNIFICANT ACTIVITY FOR #IW200430 – DON CIARLEGLIO.

MOVED (BURNS), SECONDED (FLANNERY) AND PASSED UNANIMOUSLY TO APPROVE THE ORIGINAL PLAN WITH CONDITION # IW200430 – DON CIARLEGLIO.

CONDITION: PLANTINGS AT POND EDGE PER RECOMMENDATIONS OF JOHN IANNI.

III. PUBLIC HEARINGS:

1. Hearing Regarding Cease and Desist ORDER, dated September 11, 2004 issued to Brian Kocher for violations at #24 Ludwig Road (APN #109-006-0000). (Continued from the September 20, 2004 meeting)

TIME: 7:45 PM

SEATED: K. Braga, K. Flannery, S. Cohen, J. Burns, C. Murphy, A. Barber

Brian Kocher came forward. He explained he would have all remedial work completed by November 1, 2004.

Chairman Braga reminded Mr. Kocher that he was responsible for compliance, as the land owner, regardless of who he hires to do the work.

MOVED (FLANNERY), SECONDED (BARBER) AND PASSED UNANIMOUSLY TO UPHOLD THE CEASE & DESIST ORDER AND TO REQUIRE ALL REMEDIAL WORK TO BE COMPLETED BY NOVEMBER 1, 2004.

2. #IW200431 – Michael Agranoff for a Permit to Conduct Activity within an Area of Influence and/or wetlands for replacement of existing retaining wall on property located at 101 West Shore Road, APN 168-126-0000.

TIME: 7:50 PM

SEATED: K. Braga, K. Flannery, S. Cohen, C. Murphy, A. Barber (J. Burns: Recused)

Attorney Agranoff came forward and handed out an A-2 Survey to the commission. He explained they were tying to repair the wall before winter.

Guy Burns, Contractor, provided design details and details regarding the construction phase.

MOVED (MURPHY), SECONDED (FLANNERY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #IW200431 – MICHAEL AGRANOFF.

MOVED (COHEN), SECONDED (BARBER) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS #IW200431 – MICHAEL AGRANOFF.

CONDITIONS:

1. **PRECONSTRUCTION MEETING TO BE HELD WITH CONTRACTOR, TOWN ENGINEER AND TOWN PLANNER PRIOR TO INITIATION OF WORK.**
2. **CERTIFIED A-2 AS BUILT TO BE PROVIDED TO TOWN PLANNER UPON COMPLETION OF ALL WORK (APPROXIMATELY TWO WEEKS AFTER INITIATION OF WORK).**
3. #IW200433 – Jolyn II, LLC for a Permit to Conduct Regulated Activity within an Area of Influence for installation of storm drainage, retention pond and associated improvements relating to a residential resubdivision on properties located at Ellsworth Lane & Benjamin Drive, APN 118-004-0000 & 101-005-0000.

TIME: 8:00 PM

SEATED: K. Braga, K. Flannery, S. Cohen, J. Burns, C. Murphy, A. Barber

Chairman Braga read Buck & Buck's letter dated September 20, 2004.

Russ Heintz, Tarbell & Heintz, came forward to review the plan. He explained there will be public water and on site septic systems.

John Iannni, Professional Soil Scientist, came forward to explain the wetlands. He also explained there is a forested conservation easement on the property already.

MOVED (BARBER), SECONDED (COHEN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #IW200433 – JOLYN II, LLC.

MOVED (BARBER), SECONDED (FLANNERY) AND PASSED UNANIMOUSLY TO APPROVE #IW200433 – JOLYN II, LLC.

V. NEW BUSINESS:

1. #IW200436 – Eric Gonzales for a Permit to Conduct Regulated Activity within an Area of Influence for a shed on property located at 16 Highland Avenue, APN 037-005-0000.

Eric Gonzales came forward for this application.

MOVED (BURNS), SECONDED (FLANNERY) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF NON-SIGNIFICANT ACTIVITY FOR #IW200436 – ERIC GONZALES.

THE COMMISSION WILL TAKE ACTION AT THE NOVEMBER 15, 2004 MEETING.

2. #IW200437 – Paul Nicholas, Jr. for a Permit to Conduct Regulated Activity within an Area of Influence to install curtain drains in the upland review area on property located at 92 Frog Hollow Road, APN 060-009-0000.

Galen Semprebon, Design Professionals, came forward to explain the plan. The curtain drains are to lower the water table in order to allow future installation of code compliant septic systems for new lots.

The Town Planner advised caution and requested additional data and alternatives analysis.

BY CONSENSUS, THE AGENCY DECIDED TO HOLD A PUBLIC HEARING FOR #IW200437 AND SCHEDULED THE HEARING FOR THE NOVEMBER 15, 2004 MEETING.

3. Discussion Status: Wetland Violation Resolution, Bruce Luginbuhl, 34 Ludwig Road.

Chairman Braga noted that he was concerned with the First Selectman's actions in regards to this violation and requested an overview from the Planner and update in that regard.

The Planner outlined the record, including claims by Mr. Luginbuhl that he was directed by the First Selectman to proceed with the illegal installation. The Planner also reported that the First Selectman had admitted that he met with Mr. Luginbuhl without the Planner's or the Inland Wetland Agency's knowledge, and encouraged Mr. Luginbuhl to proceed, knowing he did not have the necessary wetland or zoning approvals.

The members felt that the matter needed to be addressed, and that it resulted in costs to the town, department and commission. The commission directed the Planner to draft a letter to the Board of Finance and the Board of Selectman for their (Inland Wetland Agency) review. The planner noted that he would have the draft for the Inland Wetland Agency's 10/28/04 special meeting.

BY CONSENSUS, THE COMMISSION DIRECTED THE PLANNER TO DRAFT A LETTER TO THE BOARD OF SELECTMAN AND BOARD OF FINANCE OUTLINING THEIR CONCERNS WITH RESPECT TO THE FIRST SELECTMAN'S INVOLVEMENT IN THIS VIOLATION.

IV. UNFINISHED BUSINESS:

4. Review of Draft Amendments to Wetland Regulations.

BY CONSENSUS, THE AGENCY DECIDED TO HOLD A SPECIAL MEETING ON THURSDAY, OCTOBER 28, 2004 TO REVIEW DRAFT AMENDMENTS TO THE WETLAND REGULATIONS.

VI. ADMINISTRATIVE BUSINESS:

1. Capital Improvement Budget Requests.

BY CONSENSUS, THE AGENCY DETERMINED THEY HAVE NO REQUESTS FOR FISCAL YEAR 04 – 05.

2. Meeting Schedule for new year.

THE COMMISSION PREFERRED TO RETAIN THEIR MONDAY P.M. SCHEDULE.

3. Approval of the September 20, 2004 meeting minutes.

MOVED (MURPHY), SECONDED (BARBER) AND PASSED UNANIMOUSLY TO APPROVE THE SEPTEMBER 20, 2004 MEETING MINUTES WITH CHANGES ON PAGE 4, ITEM 6 #1. SANFORD COHEN DID NOT RECUSE, HE VOTED NAY.

4. Correspondence:

- a. Memo to Matt Davis & Peter Williams from Dennis Milanovich, dated 9/22/04.
- b. Memo to Board of Selectmen from Matt Davis, dated 9/28/04.
- c. Memo to Zoning Board of Appeals from Matt Davis, dated 9/28/04.
- d. Letter to Attorney Fader and Bruce Luginbuhl from Matt Davis, dated 9/28/04.
- e. Letter to Brian Kocher from Matt Davis, dated 9/28/04.
- f. Memo to Dennis Milanovich from Shawn Costello dated, 9/29/04.
- g. Letter to Joe Willis, Jr. from Matt Davis, dated 9/30/04.
- h. Memo to Agency Chairpersons and Department Heads from Dennis Milanovich, dated 10/05/04.
- i. Letter to Susan Boyan from Matt Davis, dated 10/08/04.
- j. The Annual Connecticut Federation of Lakes Conference, dated 10/23/04.
- k. Connecticut Association of Conservation & Inland Wetland Commissions, 27th annual meeting.

VII. ADJOURNMENT:

MOVED (BURNS), SECONDED (FLANNERY) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 9:10 P.M.

Respectfully Submitted,

Kristin Michaud
Recording Secretary